



February 3, 2003

Dockets Management System
U.S. Department of Transportation
Research & Special Programs Administration
400 Seventh Street, S.W., Room PL 401
Washington, D.C. 20590-0001

RE: Comments on HM-215E (RSPA-2002-13658)

Dear Sir/Madam:

I am submitting the following written comments on the above-referenced docket:

Request to revise proposed limited quantity marking requirements. Concerning the proposed adoption of a revised limited quantity marking requirement set out in 49 CFR 172.315, the intent of HM-215E is to harmonize with international standards. This proposed revised limited quantity marking requirement has not been adopted by ICAO for air shipments. Based on the proposal in HM-215E, it appears that the proposed, revised limited quantity marking is intended for use by all three modes (air, ground, and marine) even though the UN has not adopted it for air shipments. To require such a limited quantity marking for air shipments when the UN clearly has not adopted such marking requirement would be extremely confusing and clearly not the intent of this rulemaking.

Further, we foresee problems if this proposed, revised limited quantity marking is adopted. In our warehouse we have hazardous material limited quantity shipments prepared according to the most stringent mode (air), ready to be shipped out by any mode, upon request by the recipient. At present, one of our limited quantity shipments prepared for air could alternatively be shipped by ground. {The exception from labeling [for example, given in 49 CFR 173.150(b)] is optional.} However, if this proposed, revised limited quantity marking is adopted, a shipment prepared to comply with ICAO air requirements could not be shipped alternatively by ground. The shipment would need to have hazard labels removed and be remarked with the new limited quantity marking prior to shipping it out. Such relabeling and remarking would be an unnecessary expenditure of effort, without any additional gain in safety.

If this proposed, revised limited quantity marking is adopted, we request that RSPA allow as an alternative that a shipment prepared by the most stringent mode (air) may be shipped as a ground shipment, even though that particular shipment's routing does not have an air segment. (At present, the regulations allow an air shipment prepared by

ICAO to be accepted for shipment on any ground segment of one continuous shipment.) If RSPA does adopt the requirement to allow shipments to be prepared and shipped under more stringent modal requirements, it would make sense to adopt such a requirement for all types of shipments not just for limited quantity shipments.

Request for clarification on proposed absorbent material requirement. We are requesting clarification on the requirement for absorbent material set out in proposed 49 CFR 173.27(e). In our opinion, paragraph (e)(5) is not needed.

Request to remove proposed marine requirement to disable certain electronic equipment aboard vehicles. The proposed requirement in 49 CFR 173.220 to disable theft-protection devices, installed radio communications equipment or navigational systems has not been adopted by IMO for marine shipments. Again, the intent of HM-215E is to harmonize with international standards. To require disabling of such equipment when the UN clearly has not adopted such requirements would be confusing and clearly is not the intent of this rulemaking. Further, requiring disabling of such devices for all vehicles transported onboard vessels would be a labor-intensive effort without any additional gain in safety.

Request not to allow handwritten air eligibility marking. We object to the option for allowing a handwritten air eligibility marking. (This option being mentioned in the preamble discussion on p. 72041: "The marking could be applied by using a durable sticker or label, preprinting it on the packaging, or drawing it on the package by hand.") Recently, when conducting a hazardous materials shipping class, which included discussion and demonstration of the air eligibility marking (to go into effect for international air shipments 1 January 2004), there was such variation in the handwritten air eligibility markings, that allowing the handwritten option would only lead to confusion.

If you have any questions concerning these submitted comments, please call me directly at (919) 461-1220 to discuss.

Sincerely,

Andrew N. Romach
Regulatory Compliance Manager
URS Corporation